

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)

MAIL STOP PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Customer No. 21839



Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 09/948,989 filed on September 7, 2001, for EXPANDABLE MEDICAL DEVICE FOR DELIVERY OF BENEFICIAL AGENT, by the following named inventor(s):

- | | | |
|-----|-----------|--------------------------|
| (a) | Full Name | <u>John F. Shanley</u> |
| (b) | Full Name | <u>Neal L. Eigler</u> |
| (c) | Full Name | <u>Kinam Park</u> |
| (d) | Full Name | <u>Elazer R. Edelman</u> |

☒ The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

(a) Full Name _____

☐ This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

(a) Full Name _____

☒ Applicant(s) suggests Figure 1 for inclusion on the front page of the patent application publication and/or patent.

☒ Applicant(s) requests that the published application include the following assignment information: Conor Medsystems, Inc.

- ☒ Enclosed is a copy of the prior Application No. 09/948,989 as originally filed on September 7, 2001, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
- ☒ Enclosed is an executed Combined Declaration and Power of Attorney signed by inventor Neal L. Eigler which correctly reflects his citizenship.

3. ☒ Small entity status is hereby claimed.
4. ☒ The filing fee is calculated below ☒ and in accordance with the enclosed preliminary amendment:

C L A I M S					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$770.00 (1001)
Total Claims	25	MINUS 20 =	5	× \$18.00 (1202) =	90
Independent Claims	4	MINUS 3 =	1	× \$86.00 (1201) =	86
If multiple dependent claims are presented, add \$290.00 (1203)					
Total Application Fee					946
If small entity status is claimed, subtract 50% of Total Application Fee					473
Add Assignment Recording Fee of \$ <u>\$40.00 (8021)</u> if Assignment document is enclosed					
TOTAL APPLICATION FEE DUE					473

5. ☐ This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.
6. ☐ Charge \$ _____ to Deposit Account No. 02-4800 for the fee due.
7. ☒ A check in the amount of \$ 473.00 is enclosed for the fee due.
8. ☒ The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
9. ☒ Cancel in this application original claims 1-48 of the prior application before calculating the filing fee.
10. ☐ New drawings are enclosed.
11. ☐ Priority of Application No. _ filed on _ in _ (country) is claimed under 35 U.S.C. § 119.
- ☐ The certified copy of the priority application
- ☐ is enclosed.
- ☐ was filed on _ in prior Application No. _, filed on _, and acknowledged by the Examiner on _ in Paper No. _.
- ☐ has not yet been filed.

12. ☒ A preliminary amendment is enclosed.
13. ☐ An Information Disclosure Statement is enclosed.
14. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.
15. ☐ Also enclosed .
16. ☒ The power of attorney in the prior application is to Burns Doane Swecker & Mathis, LLP.
- a. ☒ The power appears in the original papers in the prior application.
 - b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
 - c. ☐ Recognize as Associate Attorney .
 - d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
Customer Number: **2 1 8 3 9**
P.O. Box 1404
Alexandria, Virginia 22313-1404

Date: December 5, 2003

By: 76m. 2
Kirk M. Nuzum
Registration No. 38,983

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404
(650) 622-2300

☐ inventor(s)
☐ assignee of complete interest
☒ attorney or agent of record
☐ filed under 37 C.F.R. § 1.34(a)